IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 35470 of 2007(V)

PETITIONERS:

1. **V.P. MAHENDRAN,**
   JUNIOR FOREMAN, GOVERNMENT PRESS, ERNAKULAM.

2. **V.M. ITTOOP,**
   JUNIOR FOREMAN, GOVERNMENT PRESS, ERNAKULAM.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF PRINTING,**
   GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM.

3. **J. SASIDHARAN NAIR,**
   ASSISTANT FOREMAN, GOVERNMENT CENTRAL PRESS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

V.GIRI,J.

W.P (C) No. 35470 of 2007

Dated this the 30th November, 2007

J U D G M E N T

Petitioners are Junior Foremen in the Government Press. The 1st petitioner was appointed as Printer Gr.II in Palakkad District as per the advice of the P.S.C. on 30.1.1987 and the 2nd petitioner was appointed as Printer Gr.II in Kannur District as per the advice of the P.S.C. on 12.12.1988. On request by the petitioners, the 1st petitioner was given inter district transfer to Kannur and the 2nd petitioner to Palakkad on 5.9.1989. The 3rd respondent was undergoing training prior to the appointment as Printer Gr.II, at that point of time, when the petitioners were posted at Kannur and Palakkad on inter-district transfer. Reference is made to Note 2 Rule 4 of Special Rules which reads as follows:

> "2. Persons selected for appointment to the category of Printers,Lower Division, Category 5 will be given training for a period of three months. They will be given an allowance fixed by Government from time to time during the period of training and will be actually appointed to the post only after the training is over. The period of training shall not count for probation."

2. Thus, a person can claim seniority in the category of Printer Gr.II only from the date of his appointment as Printer Gr.II that is after the completion of training. In other words, the period of training will not count for probation, according to the petitioners.

3. Nevertheless, in Exhibit-P2 seniority list, the 3rd respondent has been placed above the petitioners. Petitioners have objected to the same under Exhibit-P3 submitted under Rules 27-B, Part II of the K.S.& S.R. before the 1st respondent.

After hearing the learned Government Pleader also, this writ petition is disposed of directing the 1st respondent to consider the petitioners' objection contained in Exhibit-P3 in the light of Note 2 Rule 4 of the Special Rules and take a decision after hearing the petitioner and 3rd respondent, within two months from the date of receipt of a copy of this judgment.

(V.GIRI, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007